

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

No claims are currently being cancelled.

Claims 1-4, 27, 51 and 59 are currently being amended.

No claims are currently being added.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 25-32, 50, 51 and 59 are now pending in this application for examination on the merits, whereby claims 5-18, 21, 22, 33-38, 40-49, 52-58 and 60-78 are also pending but are withdrawn from consideration.

**Examiner Interview Summary:**

The Office Action included an Examiner-Initiated Interview Summary which memorializes a telephone interview conducted on May 13, 2009, whereby the statements made in the Interview Summary are correct.

**Claim Rejections – Non-Statutory Subject Matter:**

In the Office Action, claims 1-4, 25-32, 50, 51 and 59 were rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter, for the reasons set forth on pages 3-7 of the Office Action. Due to the amendments made to the claims in this response, this rejection has been overcome.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1-4, 25-32, 50, 51 and 59 were rejected under 35 U.S.C. § 102(b) as being anticipated by Peng et al. ("Probabilistic Feature Relevance Learning for content-based Image Retrieval"). This rejection is traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 now recites:

*An image similarity calculation system comprising:*

*an editing probability model estimation unit configured to calculate a local region editing probability from a learning image inputted thereto;*

*a local region weight calculation unit configured to calculate a local region weight value based on the local region editing probability calculated by the editing probability model estimation unit;*

*a small region compare unit configured to compare a feature quantity for each divided small region of an inquiry image with a feature quantity for each divided small region of a reference image; and*

*an image similarity calculation unit configured to calculate an image similarity between the inquiry image and the reference image, based on a comparison result output by the small region compare unit and the local region weight value output by the local region weight calculation unit.*

See, for example, Figure 1 of the drawings, and the description of that figure in the specification. The claimed local region weight calculation unit, and the claimed image similarity calculation unit that uses an output from the local region weight calculation unit as well as an output from the claimed small region compare unit, in order to compute an image similarity, are features not disclosed or suggested by Peng et al. Rather, Peng et al. describes an image retrieval system that performs a simple K-nearest neighbor search and a weighted K-nearest neighbor search, and whereby it computes an estimation of relevance for retrieved images based on user feedback.

Accordingly, presently pending independent claim 1, as well as presently pending independent claims 51 and 59 that have been amended in a similar manner, are not anticipated by Peng et al.

Still further, dependent claim 27 now recites that each small region is weighted in proportion to overlapping areas by the local region weight calculation unit, whereby such features are not disclosed or suggested by Peng et al.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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